

Notice of Allowability	Application No.	Applicant(s)	
	09/390,025	PEYSER ET AL.	
	Examiner	Art Unit	
	Nicholas D. Rosen	3625	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 6/25/04.
2. ☒ The allowed claim(s) is/are 1-21.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
 5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

- | | |
|---|--|
| 1. <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 5. <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 6. <input type="checkbox"/> Interview Summary (PTO-413),
Paper No./Mail Date _____. |
| 3. <input checked="" type="checkbox"/> Information Disclosure Statements (PTO-1449 or PTO/SB/08),
Paper No./Mail Date <u>6/25/2004</u> | 7. <input type="checkbox"/> Examiner's Amendment/Comment |
| 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit
of Biological Material | 8. <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance |
| | 9. <input type="checkbox"/> Other _____. |

Claims 1-21 have been examined.

Regarding Claim Numbers and Amendments

This application was previously allowed on November 10, 2003, the notice of allowance being mailed on June 1, 2004. This previous allowance included an Examiner's Amendment; the changes made in that amendment are to be incorporated in the claims. Also, the claims were renumbered upon the previous allowance; they are referred to in the statement of Allowable Subject Matter below, and in the Index of Claims, Issue Classification, and other parts of this Office Action, by their new numbers.

Allowable Subject Matter

Claims 1-9 are allowed.

Claim 10 is allowed.

Claims 11-20 are allowed.

Claim 21 is allowed.

The following is an examiner's statement of reasons for allowance: The closest prior art of record, Shkedy et al. (U.S. Patent 6,260,024), discloses a computer-implemented method, comprising: aggregating a plurality of buyers for purchasing at least one product or service as a group (Abstract), wherein the product or service may be telecommunication service (column 28, lines 35-38); generating a request for purchasing the at least one service (column 3, lines 39-55); presenting the request to a plurality of providers (column 3, lines 39-55); and receiving replies from the providers in

response to the request (column 3, lines 39-55). Shkedy does not disclose presenting the replies to at least one of the buyers in the group, or receiving a selection from the at least one buyer in response to the replies, but Giovannoli teaches presenting providers' replies to buyers (column 2, lines 35-51), and receiving a selection from a buyer in response (Figure 2B). Giovannoli is not explicit about notifying a provider of the selection, but notification is inherent, in that business (shipping of a product from the selected provider to the buyer, payment from the buyer to the provider) could not take place without notification of the provider. Shkedy does not disclose obtaining information regarding prior use of telecommunication service, but the article "Bell Offers Answers for Commonly Asked Customer Questions" teaches that whether customers are required to pay a deposit for new telephone service depends on whether they have had prior credit problems with the telephone company (paragraph beginning "A: Usually, no."), which implies obtaining information regarding prior use of telecommunication service. However, neither Shkedy, the "Bell" article, nor any other prior art of record discloses, teaches or reasonably suggests obtaining information regarding prior use of the at least one telecommunication service by at least one of the plurality of buyers, and generating a purchase request including the information regarding the prior use.

Note: Claim 11 (formerly claim 12), does not recite "obtaining information regarding prior use of the at least one telecommunication service by at least one of the plurality of buyers," but does, as amended, recite, "the request including information on

prior use of telecommunication services of the group,” and recites a processor that aggregates a plurality of buyers for purchasing as a group.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled “Comments on Statement of Reasons for Allowance.”

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Bradshaw et al. (U.S. Patent 5,027,388) disclose a method of selecting the most cost effective cellular service plan provided by cellular telephone resellers to multi-line customers. O'Brien et al. (U.S. Patent 5,832,457) disclose a method and apparatus for selective distribution of discount coupons based on prior customer behavior. Goldberg et al. (U.S. Patent 6,298,125) disclose a frequency-based discount system for a host system within a communication network.

The anonymous article, “Third-Party Phone Firms' Troubles Told,” discloses telephone companies requiring that customer's debt to another telephone company be repaid. Dennis (“Electric Lightwave Ready to Offer Local Number Portability”) discloses local number portability between telephone service providers. The anonymous article, “NaviNet to Showcase Next Generation Dial-up IP Services,” discloses retrieving historic information, including network usage.

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Nicholas D. Rosen whose telephone number is 571-272-6762. The examiner can normally be reached on 8:30 AM - 5:00 PM, M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wynn Coggins can be reached on 571-272-7159. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300. Non-official/draft communications can be faxed to the examiner at 571-273-6762.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Nicholas D. Rosen
NICHOLAS D. ROSEN
PRIMARY EXAMINER

December 21, 2005